

CARL J. KUNASEK
CHAIRMAN

JIM IRVIN
COMMISSIONER

RENZ D. JENNINGS
COMMISSIONER



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ARIZONA CORPORATION COMMISSION

DATE: APRIL 4, 1997

DOCKET NO: U-1472-96-601

TO ALL PARTIES:

Enclosed please find the recommendation of Hearing Officer Scott S. Wakefield. The recommendation has been filed in the form of an Order on:

MORMAN LAKE WATER COMPANY (RATE INCREASE)


Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

APRIL 14, 1997

The enclosed is NOT an order of the Commission, but a recommendation of the Hearing Officer to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

APRIL 15, 1997 and APRIL 16, 1997

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.


Geoffrey E. Gonsler
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 CARL J. KUNASEK
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 RENZ D. JENNINGS
COMMISSIONER

5
6 IN THE MATTER OF THE APPLICATION OF)
MORMON LAKE WATER COMPANY FOR A)
7 PERMANENT RATE INCREASE.)
_____)

DOCKET NO. U-1472-96-601

DECISION NO. _____

8 **ORDER**

9 Open Meeting
April 16, 1997
Phoenix, Arizona

10 **BY THE COMMISSION:**

11 Mormon Lake Water Company ("MLWC" or "Applicant") is an Arizona corporation engaged
12 in the business of providing water utility service to the public in a portion of Coconino County, Arizona.
13 On November 12, 1996, the Arizona Corporation Commission ("Commission") received from MLWC
14 an application requesting authority to increase its rates and charges.

15 On December 12, 1996, the Commission's Utilities Division Staff ("Staff") determined that
16 MLWC's application was sufficient.

17 On January 23, 1997, Applicant filed a request for a two-week extension of time limitations
18 applicable to the application. By Procedural Order dated January 27, 1997, a two week extension of
19 applicable time limitations was granted.

20 On February 14, 1997, Staff filed its Staff Report, recommending an alternative rate schedule be
21 approved without a hearing.

22 **DISCUSSION**

23 Applicant is an Arizona corporation engaged in the business of providing water utility service to
24 the public on the southwest shore of Mormon Lake in Coconino County, Arizona. Applicant's
25 certificated area is about 1/8 square mile, and contains 35 year-round residents, 95 summer homes and
26 a recreational vehicle park with 55 spaces. The entire system has no customer meters. Applicant's
27 current rates were approved in Decision No. 54981 (April 21, 1986).

28 Applicant's distribution system is divided into two separate pressure zones. The lower pressure

1 zone serves the year-round residences and the R.V. park. The upper zone serves the summer homes,
2 which are located on a hillside. Most of the distribution pipe in the upper zone is located above ground,
3 and the pipe which is buried is covered by only a shallow soil mantle. During the winter months, the
4 upper distribution zone is drained and taken out of service. In the Spring, the lines are disinfected prior
5 to restoration of service in the upper zone.

6 Applicant's water system is currently operating under a consent order with the Arizona
7 Department of Environmental Quality ("ADEQ"). Among other things, the above-ground distribution
8 mains in the upper pressure zone do not meet ADEQ minimum design and construction standards.
9 Pursuant to the consent order, MLWC has prepared an engineering report, analyzing its production and
10 distribution main adequacy. The report concluded that the water mains in the upper zone preclude
11 additional growth. Because conventional septic tank permits are unlikely to be obtained in the area due
12 to soil conditions and/or high groundwater which would preclude a septic system, only very limited
13 growth is anticipated. The engineering report has been submitted to ADEQ which is currently reviewing
14 the report. ADEQ has not decided whether to allow Applicant to continue to operate as it does currently,
15 or to require Applicant to upgrade its distribution mains to meet present construction standards.

16 In addition, Applicant has missed a few water quality tests. We will therefore order that the rates
17 adopted herein will become effective in the month following Applicant submitting evidence that the
18 water it provides meets ADEQ water quality standards.

19 Presently, all customers pay a flat rate for water. The 35 full time residences pay \$10.00 per
20 month, or \$120 annually.¹ The 95 part time residences pay \$10.00 per month during the six months when
21 the system is in service in the upper zone, and \$5.00 per month in the remaining months, for a total of
22 \$90 per year. The RV park is billed \$2.69 per space per month (occupied or unoccupied). During the
23 test year ending December 31, 1995 ("TY"), the Mormon Lake Lodge was also a customer, and was
24 billed \$250.00 per month. In early 1996, the Lodge drilled its own wells and left Applicant's system.
25 As a part of the departure, a portion of Applicant's water system was removed from Plant in Service and
26 remained with the Lodge. The distribution assets removed could only serve the Lodge, and were fully
27

28

¹ MLWC currently bills its customers on an annual basis.

depreciated. Applicant transferred the assets without permission from the Commission. Staff has recommended that the Commission retroactively approve the transfer of those assets. We concur and will grant such approval.

Due to drought conditions over the past several years, Applicant has had to purchase significant amounts of water to cover peak demand during the summer months. During the TY, Applicant purchased 1,080,500 gallons of water to supplement production from its own wells, at a cost of \$43,220. In calendar year 1996, without the Lodge as a customer, Applicant purchased only 345,000 gallons, at a cost of \$13,800.

Applicant proposed metered rates. Staff believes that the installation of water meters and an inverted tiered rate design may encourage conservation and reduce peak usage. If conservation and rate design do not reduce consumption, Applicant may be required to construct another well at an approximate cost of \$10,000.

Because of the absence of meters, however, no empirical data is available for Staff to determine a fair and equitable rate structure. Therefore, Staff recommended that Applicant be given six months to install meters. Staff recommended that, after Applicant obtains 12 months of actual water usage data, MLWC apply to the Commission for metered water rates.

Staff recommended that Applicant fund the installation of meters to current customers with a refundable advance in aid of construction to be charged to each customer, to be repaid by Applicant by an annual credit of one-tenth of the advance. Staff recommended that the amount charged for the advance should be either the actual invoiced cost, or the following schedule, whichever is less:

<u>Meter Size</u>	<u>Maximum Advance</u>
5/8" x 3/4" Meter	\$120.00
3/4" Meter	165.00
1" Meter	205.00
1 1/2" Meter	410.00
2" Meter	880.00

We will adopt Staff's recommendation regarding funding of meter installation for current customers.

Applicant proposed a once-per-year charge of \$35 for the customers in the upper zone for winterizing and Spring start-up. The actual cost of those activities is not known and measurable at this time. Therefore, Staff suggested that Applicant define those costs and present them in its next rate case.

1 Staff proposed a rate design which continued the existing concept of flat summer and winter rates,
 2 and expanded that distinction to the R.V. park's rates. Staff attempted to adjust the TY revenues and
 3 expenses to reflect the departure of the Lodge from Applicant's system. Based on its adjustments, Staff
 4 proposed rates which would result in revenues of \$41,946 and expenses of \$45,230, for a net operating
 5 loss of \$3,284.

6 We believe that a more precise adjustment to Applicant's expenses is appropriate, however. The
 7 Lodge consumed 40 percent of the total water sold during the TY; Staff therefore decreased the TY
 8 Purchased Pumping Power and Purchased Water accounts by 40 percent to adjust for the Lodge's
 9 departure. However, when the Applicant has relied on costly Purchased Water to meet peak demands,
 10 we would expect Purchased Water costs to decrease more significantly than Purchased Pumping Power
 11 costs when the customer which consumed 40 percent of the water leaves the system. In fact, 1996 data
 12 evidences just such a pattern. During 1996 Applicant experienced a decrease of 68 percent in Purchased
 13 Water costs from the TY amount, to \$13,800. We believe, therefore, that it is appropriate to adjust the
 14 TY Purchased Water account to \$13,800, while maintaining the full TY Purchased Pumping Power
 15 amount without adjustment. Based upon the Staff Report and these additional adjustments, we find
 16 Applicant's adjusted TY expenses to be \$34,385.

17 Applicant indicated that its proposed rates would produce revenues of \$34,000. While we cannot
 18 determine whether that figure is accurate or not, due to the absence of data on individual customers'
 19 consumption, we note that it would not be sufficient to produce any rate of return. Staff also proposed
 20 rates which, absent our further adjustment to expenses, would have produced no rate of return. The rates
 21 we adopt below, however, should produce a rate of return of 9.9 percent. Should ADEQ require
 22 Applicant to upgrade its distribution system in the upper zone, the cash flow generated by these rates
 23 would be available to fund the improvements. We will maintain the flat rate structure and seasonal
 24 distinctions recommended by Staff, and require Applicant to file another rate application, based on
 25 metered usage, within 24 months.

26 * * * * *

27 Having considered the entire record herein and being fully advised in the premises, the
 28 Commission finds, concludes, and orders that:

FINDINGS OF FACT

1
2 1. Applicant is an Arizona corporation engaged in the business of providing water utility
3 service to the public in a portion of Coconino County, Arizona, pursuant to authority granted by the
4 Commission in Decision No. 44282 (June 27, 1974).

5 2. Applicant's present rates and charges for water service were approved in Decision No.
6 54981 (April 21, 1986).

7 3. On November 12, 1996, the Commission received from MLWC an application requesting
8 authority to increase its rates and charges.

9 4. On December 12, 1996, Staff determined that MLWC's application was sufficient.

10 5. During the TY, Applicant served 131 customers, including 95 seasonal customers.

11 6. During the TY, Applicant served two large business customers: a recreational vehicle park
12 of 55 spaces, and the Mormon Lake Lodge, which included a dozen or more cottages and a campground.
13 In 1996, the Lodge developed its own water system and left the service of MLWC.

14 7. As part of the Lodge's departure, a portion of the water system was removed from Plant
15 in Service and remained with the Lodge, without permission of the Commission. The assets involved
16 could only serve the Lodge and were fully depreciated.

17 8. None of Applicant's customers are served with meters.

18 9. On November 1, 1996, Applicant notified its customers of the proposed rates and charges
19 by first class U.S. mail and, in response thereto, 22 customers have either called or written letters
20 protesting the proposed rates and charges.

21 10. Staff conducted an investigation of Applicant's proposed rates and charges, and in the
22 Staff Report filed on February 14, 1997, recommended that an alternative rate schedule be approved
23 without a hearing.

24 11. The rates and charges for Applicant at present, as proposed in the application, and as
25 recommended by the Staff are as follows:

26 ...

27 ...

28 ...

	Present Rates	Proposed Rates	
		Applicant	Staff
<u>MONTHLY USAGE CHARGE:</u>			
5/8" x 3/4" Meter	\$0.00	\$10.00	\$0.00
3/4" Meter	0.00	10.00	0.00
1" Meter	0.00	10.00	0.00
1 1/2" Meter	0.00	10.00	0.00
2" Meter	0.00	10.00	0.00
Excess of Minimum - per 1,000 Gallons	0.00	4.45	0.00
Gallons included in minimum	--	1,000	--
# Flat Charges:			
Full Time Residents - charge/mo.	\$10.00		\$28.00
Part Time Residents - charge/mo (when not in residence)	5.00		18.00
R.V. Park - space/mo (occupied/unoccupied) summer	2.69		7.50
R.V. Park - space/mo (occupied/unoccupied) winter	2.69		3.50
Lodge - \$250/mo	250.00		N/A
Winterizing	0.00	35.00	0.00
<u>SERVICE LINE AND METER INSTALLATION CHARGES:</u> (Refundable pursuant to A.A.C. R14-2-405)			
5/8" x 3/4" Meter	\$ 0.00	\$ 150.00	\$ 400.00
3/4" Meter	0.00	175.00	400.00
1" Meter	0.00	200.00	500.00
1 1/2" Meter	0.00	350.00	715.00
2" Meter	0.00	450.00	1,170.00
3" Meter	0.00	0.00	1,585.00
4" Meter	0.00	0.00	2,540.00
6" Meter	0.00	0.00	4,815.00
<u>SERVICE CHARGES:</u>			
Establishment	\$0.00	\$30.00	\$ 30.00
Establishment (After Hours)	0.00	60.00	50.00
Reconnection (Delinquent)	0.00	50.00	50.00
Meter Test (If Correct)	0.00	75.00	35.00
Deposit	0.00	100.00	*
Deposit Interest	0.00%	0.00%	*
Reestablishment (Within 12 Months)	0.00	**	**
NSF Check	\$ 0.00	\$ 15.00	\$ 15.00
Deferred Payment (per annum)	0.00%	8.00%	18.00%
Meter Reread (If Correct)	\$ 0.00	\$ 6.00	\$ 6.00

* Per Commission Rule A.A.C. R14-2-403(B).

** Number of months off system times the monthly minimum, per Commission Rule A.A.C. R14-2-403(D).

1 12. Pursuant to the Staff Report, Applicant's original cost rate base is determined to be
2 \$41,372 which is the same as its fair value rate base ("FVRB").

3 13. Applicant's present rates and charges produced adjusted operating revenues of \$15,715
4 and adjusted operating expenses of \$34,385, which resulted in an adjusted net operating loss of \$18,670
5 during the TY and no return on FVRB.

6 14. Applicant projected that its proposed rates and charges would produce operating revenues
7 of \$34,000. Those rates and charges would produce adjusted operating expenses of \$34,385, resulting
8 in an adjusted net operating loss of \$385 and no return on FVRB.

9 15. The rates and charges Staff recommended would produce operating revenues of \$41,946
10 and adjusted operating expenses of \$35,783, resulting in adjusted net operating income of \$6,163 and a
11 14.9 percent rate of return on FVRB.

12 16. The rates and charges adopted below would produce operating revenues of \$39,372 and
13 operating expenses of \$35,293, resulting in net operating income of \$4,079 and a 9.9 percent rate of
14 return on FVRB.

15 17. The effect of Applicant's proposed rate schedule on customers is undeterminable, because
16 of a lack of data on individual customers' consumption patterns.

17 18. Staff's recommended rates would increase full time residents' monthly bills by 180
18 percent, from \$10.00 to \$28.00. Staff's recommended rates would increase part time residents' monthly
19 bills by 180 percent during the summer months, from \$10.00 to \$28.00, and by 260 percent during the
20 winter months, from \$5.00 to \$18.00, for an annualized increase of 207 percent. Staff's recommended
21 rates would increase the R.V. park's monthly bill by 179 percent during the summer months, from \$2.69
22 to \$7.50 per space, and by 30 percent during the winter months, from \$2.69 to \$3.50 per space, for an
23 annualized increase of 104 percent.

24 19. The rates adopted below would increase full time residents' monthly bills by 160 percent,
25 from \$10.00 to \$26.00. The rates adopted below would increase part time residents' monthly bills by 160
26 percent during the summer months, from \$10.00 to \$26.00, and by 240 percent during the winter months,
27 from \$5.00 to \$17.00, for an annualized increase of 187 percent. The rates adopted below would increase
28 the R.V. park's monthly bill by 179 percent during the summer months, from \$2.69 to \$7.50 per space,

and by 30 percent during the winter months, from \$2.69 to \$3.50 per space, for an annualized increase of 104 percent.

20. The rates and charges adopted below are reasonable.

21. Staff has additionally recommended that Applicant be ordered to:

- (a) Collect from its customers their proportionate share of any privilege, sales or use tax, as provided in A.A.C. R14-2-409(D);
- (b) Bill its customers monthly as required by A.A.C. R14-2-409(A);
- (c) Install meters on its system within six months after the date of this Order and that Applicant obtain 12 months of meter readings before applying for rates based on actual usage, within 24 months of the date of this Order;
- (d) Fund the meter installations in compliance with the guidelines discussed above;
- (e) Follow proper accounting procedures for its system of accounts according to the NARUC Uniform System of Accounts as adopted by the Commission; and
- (f) Include in its tariff a provision in compliance with the rules and regulations of the Commission and ADEQ, specifically A.A.C. R14-2-405(B)(6) and R18-4-232, relating to backflow prevention, and that this provision be subject to Staff approval.

22. In addition, Staff recommended that the Commission retroactively approve the transfer of assets from Applicant's Plant in Service accounts to the books of the Lodge.

23. Applicant filed a tariff relating to backflow prevention, which became effective on January 11, 1997.

24. Applicant is not in compliance with the regulations of ADEQ.

25. It is reasonable that the rates and charges adopted below become effective in the month following Applicant submitting evidence that ADEQ has determined that Applicant's water meets the Safe Drinking Water Act's standards.

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. Sections 40-250, 40-251 and 40-285.

2. The Commission has jurisdiction over Applicant and of the subject matter of the application.

3. Notice of the application was provided in the manner prescribed by law.

4. The rates and charges authorized hereinbelow are just and reasonable and should be approved without a hearing.

5. Staff's recommendations, as set forth in Finding of Fact Nos. 21 and 22, are reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED that Mormon Lake Water Company is hereby directed to file on or before April 30, 1997 revised rate schedules setting forth the following rates and charges:

MONTHLY USAGE CHARGE:

Flat Charges:

Lower Zone Full Time Residences - charge/mo.	\$26.00
Upper Zone Part Time Residences - charge/mo (April - October)	26.00
Upper Zone Part Time Residences - charge/mo (November - March)	17.00
R.V. Park - per space, per month (occupied/unoccupied) (April - October)	7.50
R.V. Park - per space, per month (occupied/unoccupied) (November - March)	3.50

SERVICE LINE AND METER INSTALLATION CHARGES:

(Refundable pursuant to A.A.C. R14-2-405)

5/8" x 3/4" Meter	\$ 400.00
3/4" Meter	400.00
1" Meter	500.00
1 1/2" Meter	715.00
2" Meter	1,170.00
3" Meter	1,585.00
4" Meter	2,540.00
6" Meter	4,815.00

SERVICE CHARGES:

Establishment	\$ 30.00
Establishment (After Hours)	50.00
Reconnection (Delinquent)	50.00
Meter Test (If Correct)	35.00
Deposit	*
Deposit Interest	*
Reestablishment (Within 12 Months)	**
NSF Check	\$ 15.00
Deferred Payment (Per Annum)	18.00%
Meter Reread (If Correct)	\$ 6.00

* Per Commission Rule A.A.C. R14-2-403(B).
 ** Number of months off system times the monthly minimum, per Commission Rule A.A.C. R14-2-403(D).

1 IT IS FURTHER ORDERED that the above rates and charges shall be effective for all service
2 provided on and after the first day of the month following Mormon Lake Water Company filing with the
3 Director of the Utilities Division evidence that Mormon Lake Water Company's water system has no
4 maximum contaminant level violations and is serving water which the Arizona Department of
5 Environmental Quality has determined meets the Safe Drinking Water Act standards.

6 IT IS FURTHER ORDERED that Mormon Lake Water Company shall notify its customers of
7 the rates and charges authorized hereinabove and the effective date of same by means of an insert in its
8 next regular monthly billing.

9 IT IS FURTHER ORDERED that Mormon Lake Water Company is hereby directed to comply
10 with the Staff recommendations set forth in Finding of Fact No. 21.

11 IT IS FURTHER ORDERED that Mormon Lake Water Company's disposition of assets to the
12 Mormon Lake Lodge as described herein is approved.

13 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

14 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.
15

16 CHAIRMAN

COMMISSIONER

COMMISSIONER

17
18 IN WITNESS WHEREOF, I, GEOFFREY E. GONSHER, Executive Secretary
19 of the Arizona Corporation Commission, have hereunto set my hand and caused
20 the official seal of the Commission to be affixed at the Capitol, in the City of
21 Phoenix, this _____ day of _____, 1997.

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23 GEOFFREY E. GONSHER
24 EXECUTIVE SECRETARY

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